

Remarks

1. Examiner Interview

Applicants acknowledge the telephonic interview with the Examiner on April 18, 2008 during which the Examiner and the undersigned discussed the non-final Office Action mailed September 4, 2007 and a proposed the issuance of a new restriction requirement. Applicants note that the claims submitted in Applicants' amendment and response dated February 21, 2008 will not be entered in view of the current restriction requirement.

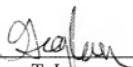
2. Restriction Requirement

Applicants elect without traverse the invention identified by the Examiner as Group I (*i.e.*, claims 1, 3-9, 12 and 18). Applicants further elect without traverse the species from Group 1 that is the compound of Example 1 (*i.e.*, (+/-)-trans-1,1-dioxo-3-ethyl-3-butyl-5-phenyl-7-methylthio-8-(N-({R})- α -[N'-(2-(S)-3-(R)-4-(R)-5-(R)-2,3,4,5,6-pentahydroxyhexyl)carbamoyl]benzyl]carbamoylmethoxy)-2,3,4,5-tetrahydro-1,4-benzothiazepine). Claims 1, 3, 5-13, 17 and 18 encompass the elected species.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

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